

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

YOLANY M. ZELAYA,

Plaintiff,

V.

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,

Defendant.

C.A. No. 24-1049-EGT

## ORDER

At Wilmington, this 23rd day of December 2024:

On September 19, 2024, Yolany M. Zelaya (“Plaintiff” or “Ms. Zelaya”) filed this action under 42 U.S.C. § 405(g) for judicial review of the Social Security Administration’s (“SSA”) final decision, which determined that Plaintiff was not entitled to disability insurance benefits under Title II of the Social Security Act (“the Act”). (*See generally* D.I. 1).

On November 25, 2024, Plaintiff filed a motion for summary judgment (D.I. 15), seeking a remand for further proceedings on the basis that the Administrative Law Judge (“ALJ”) failed to consider Plaintiff’s diagnosis of myasthenia gravis (D.I. 16 at 5). Plaintiff argues that this failure was error as demonstrated by 20 C.F.R. § 404.1545(e), which requires the ALJ to “consider the limiting effects of all [plaintiff’s] impairment(s), even those that are not severe, in determining [plaintiff’s] residual functional capacity.” 20 C.F.R. § 404.1545(e).

On December 20, 2024, Carolyn W. Colvin, Acting Commissioner of Social Security (“the Commissioner”), filed an uncontested motion to remand this case to the SSA pursuant to the fourth sentence of 42 U.S.C. § 405(g). (*See* D.I. 18). According to her motion, the Commissioner “has determined that further evaluation of Plaintiff’s claim is warranted.” (*Id.* at 1). She requests a remand so that an ALJ can offer Plaintiff another hearing and issue a new decision. (*Id.*). Plaintiff

consents to the motion to remand. (*Id.* at 2). The Commissioner thus requests that the Court issue an order reversing and remanding this case under the fourth sentence of 42 U.S.C. § 405(g), and she further requests that the Court enter final judgment.<sup>1</sup> (D.I. 18 at 2).

For the reasons set forth above, IT IS HEREBY ORDERED that:

1. The Commissioner's uncontested motion to remand (D.I. 18) is GRANTED, the SSA's final decision is REVERSED, and this case is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings;
2. Plaintiff's motion for summary judgment (D.I. 15) is DENIED as MOOT; and
3. Upon the Court's entry of final judgment, the case will be CLOSED.

  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> As the Commissioner notes in her motion, where a remand is ordered pursuant to the fourth sentence of 42 U.S.C. § 405(g), final judgment must also be entered. *See Shalala v. Schaefer*, 509 U.S. 292, 296-302 (1993).